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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/892,296

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David Eatough

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09/20/2005

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EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/892,296	EATOUGH ET AL	
	Examiner	Art Unit	
	Azizul Choudhury	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

This office action is in response to the correspondence received on July 5, 2005.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 rejected under 35 U.S.C. 102(b) as being anticipated by Farinacci et al (US Pat. No. 5,519,704), hereafter referred to as Farinacci.

3. As to Claims 1, 4, and 7:

Receiving a request to perform a task for a plurality of devices over a network (column 5, lines 50-53); Performing said task using a multicast message communicated over said network (column 5, lines 55-57); Receiving a request to complete said task from at least one device (see column 5, lines 53-55); Determining whether said task was completed for said at least one device (see column 5, lines line 60-63); and Performing said task using a unicast message communicated over said network in accordance with said determination (see column 5, lines 64-67).

4. As to Claims 2, 5 and 13:

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Wherein said determining whether said task was completed for said at least one device comprises: Receiving an identifier for said at least one device; Searching a task status table using said identifier; Retrieving a status indicator associated with said identifier; and Determining whether said task was completed for said at least one device using said status indicator (see column 2, lines 57-63).

5. As to Claims 3, 6, 8, and 11:

Wherein said receiving said request to complete said task from at least one device comprises: Determining whether said at least one device is in communication with said network; and Sending said request to complete said task from said at least one device (see column 53-55).

6. As to Claim 9:

A storage medium: Said storage medium including stored instructions that, when executed by a processor, result in receiving a request to perform a task for a plurality of devices over a network (see column 5, lines 50-53), performing said task using a multicast message communicated over said network (see column 5, lines 55-57), receiving a request to complete said task from at least one device (see column 5, lines 53-55), determining whether said task was completed for said at least one device, and performing said task using a unicast message communicated over said network in accordance with said determination (see column 5, lines 60-67).

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7. As to Claim 10:

Wherein the stored instructions, when executed by a processor, further result in determining whether said task was completed for said at least one device by receiving an identifier for said at least one device, searching a task status table using said identifier, retrieving a status indicator associated with said identifier, and determining whether said task was completed for said at least one device using said status indicator (see column 2, lines 57-63).

8. As to Claim 12:

A storage medium; Said storage medium including stored instructions that, when executed by a processor, result in receiving a request to send information to a plurality of devices (see column 5, lines 50-53), sending said information to said plurality of devices using a broadcast message (see column 5, lines 55-57), receiving a request for said information from at least one device (see column 5, lines 53-55), determining whether said at least one device received said information, and sending said information to said at least one device using a unicast message in accordance with said determination (see column 5, lines 60-67).

9. As to Claim 14:

Wherein the stored instructions, when executed by a processor, further result in receiving a request for said information by connecting said at least one device to said

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network and sending said request for said information from said at least one device (see column 5, lines 60-67).

10. As to Claim 15: A storage medium; said storage medium including stored instructions that, when executed by a processor, result in receiving a request to perform a task for a plurality of devices over a network (see column 5, lines 50-53), performing said task using a multicast message communicated over said network (see column 5, lines 55-57), receiving a request to complete said task from at least one device and an identifier for said at least one device (see column 53-55), searching a task status table using said identifier, retrieving a status indicator associated with said identifier, determining whether said task was completed for said at least one device using said status indicator (see column 2, lines 57-63), and performing said task using a unicast message communicated over said network in accordance with said determination (see column 5, lines 60-67).

11. As to Claim 16: Wherein the stored instructions, when executed by a processor, further result in receiving said request to complete said task from at least one device by connecting said at least one device to said network, and sending said request to complete said task from said at least one device (see column 5, lines 60-67).

12. As to Claim 17: A server, said server having a task handler module to manage complete of a task for a plurality of target devices using a multicast message; A plurality

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of target devices, said plurality of target devices each having a task finisher module to request completion of said task if uncompleted; and A network to communicate information between said server and said plurality of target devices to complete said task (see column 4, lines 40-47).

13. As to Claim 18: Further comprising a task handler module for each of said plurality of target devices to complete said task for said plurality of target devices (see column 4, lines 40-47).

### ***Response to Remarks***

The amendment received on July 5, 2005 has been carefully examined but is not deemed fully persuasive. Within the amendment, no changes had been made to the claim language itself. Instead, the applicant's representative expressed their concerns over the office action previously submitted. In particular, the applicant's representative expressed concern over the claimed term "task." An explanation based on details from the specifications was provided regarding the term "task" in an effort to explain to the examiner how the prior art lacked it's teaching. In response, the examiner reviewed the explanation provided and reviewed the prior art and has concluded to stand by the rejection presented within the previous office action. The term "task" is defined by the applicant's representative as being a set of actions that may be applied to a network node. This included copying a file, installing software and sending batch data such as email amongst other possibilities. With the applicant's representative's definition at

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hand, the examiner reviewed the prior art and concluded that "tasks" are indeed performed by the prior art design. For instance, within the cited portion of column 5, lines 50-53, a "query packet" is transferred. When a "query packet" is received by a node, it is inherent that the node must process (a task) the packet in order for the node to fulfill the query request of the query packet. Further evaluation of the patent will reveal various other processes (tasks) that are performed by nodes that are sufficient to be qualified as "tasks" as defined by the applicant's representative. The applicant's representative also notes that a "reply packet" is not equivalent to a "request to complete the task." Once again, it is inherent that a reply packet is a response packet, in response to a query packet and it must be transferred to finish/complete a ping/query. It must also be remembered that when a packet is received and/or transmitted, it must be processed (a task). Hence, a task is completed.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER